

REMARKS

Reconsideration of the present application is respectfully requested. Claims 1, 2, 8, 14, 21, 22, 23, 25 have been amended. No new matter has been added.

Drawings

In the Office Action mailed on February 12, 2004, the Examiner states that the drawings filed on January 18, 2002 are objected by the Draftsperson under 37 CFR 1.84 or 1.152 as indicated in the "Notice of Draftsperson's Patent Drawing Review," PTO-948. The Applicant, however, found that the drawings had been approved by the Draftsperson under 37 CFR 1.84 or 1.152 as indicated on the attached Form PTO-948. The Applicant believes that the Examiner made an error with respect to the Draftsperson's decision on the drawings; therefore, respectfully requests that the Examiner withdraw the objection.

However, Figure 7 of the drawings has been amended to correct a minor typographical error as indicated in the attached corrected drawing sheets.

Objection to claim 21

The Examiner objected to claim 21 based on informalities. The Examiner suggested inserting "of" after "method" on line 1 for grammatical correction. In response to the objection, the Applicant has amended claim 21 as the Examiner suggested.

Specification

In the Office Action mailed on 2/12/2004, the Examiner objected to the application for alterations that have not been initialed and/or dated as is required by 37

CFR 1.52(c). The Applicant, however, cannot find in the application any such alteration. The Applicant, therefore, respectfully requests that the Examiner specifically point out such alterations for the Applicant or withdraw the objection.

Claim rejections

Claims 1-39 stand rejected under 35 U.S.C. § 102(e) based on U.S. Patent no. 6,295,541 issued to Bodnar et al. ("Bodnar"). Applicants respectfully traverse the rejections. The amendments to the claims are made only to place the claims in what the Applicant considers to be better form. The amendments are not made in response to the rejections or to comply with any statutory requirement of patentability, since no such amendments are believed to be necessary.

1. Independent claims 1, 8, 14, 21, 22 and 30

Claim 1, as amended, recites:

1. (Currently amended) A method of synchronizing states of data between a plurality of devices over a communication channel, the method comprising:
 - retrieving data from the devices;
 - updating centrally stored data, based on the data retrieved from the devices, so as to **automatically recover from a prior synchronization failure**;
 - and
 - updating the data states on the devices based on the updated centrally stored data, including communicating with at least one of the devices over the communication channel.**(Emphasis added).**

Bodnar describes a centralized synchronization system ("Synchronizer"), which provides synchronization of an arbitrary number of datasets, including more than two datasets residing in various devices, e.g., PC, Pilot Organizer, etc. (Abstract; Figure 2; col. 10, lines 23-37). Although Bodnar teaches how to handle the synchronization of

more than two devices and a technique to resolve any duplication or confliction of data, Bodnar does not teach, disclose, or suggest any mechanism that provides automatic recovery from a previous synchronization failure. One example of a type of synchronization failure from which the present invention is designed to automatically recover is loss of a wireless link during synchronization (present application: para. [0004]; para. [0021]).

The Examiner is referred to Section VIII of Bodnar (from col. 39, line 20 through col. 42, line 28). Section VIII discloses the core of the Synchronizer, which includes a Synchronizer Dataset ("GUD") and an Action List. Neither the GUD nor the Action List (or combined together), however, provides the ability to recover from synchronization failures. Furthermore, the Examiner is also referred to Figure 11E of Bodnar and its corresponding discussion in col. 46, lines 26-57. Figure 11E is a flow chart that illustrates the Synchronizer's methodology for determining all fresh changes in the GUD with respect to the client (a sync point or device) and proposes to propagate the changes in response. During the whole process, recovery from synchronization failure is not considered or dealt with. For example, if a record is added by Client A, the Synchronizer will need to update other clients to reflect this addition. Suppose the connection to Client B closes before Client B actually received the record. Without recovery, the server on the next synchronization will mistakenly believe that the record "HAS COUNTER-PART IN Client [B]" and never propose the "CLIENT_ADD" action again. However, Client B has never had the record.

Continuing on the above example, Client A then modifies the same record. The server believes that the record is on Client B already (even though it is not due to

connection loss), the server then falls to the decision "GUD MOD-TIME > REC. SYNC. TIME" and decides to update the record on Client B. Client B, however, has never had the record. To update a record a client has never had presumably would cause an error on the client.

The above example is just one case that the Applicant uses to illustrate to the Examiner that Bodnar does not teach, disclose, or suggest any way to provide automatic recovery from a synchronization failure. In fact, synchronization failure is never mentioned throughout Bodnar.

By contrast, claim 1 recites a method that provides automatic recovery from synchronization failures. Therefore, claim 1 and all claims that depend on it are patentable over Bodnar. Because independent claims 8, 14, 21, 22 and 30 contain limitation similar to that discussed above regarding claim 1, they are also patentable for similar reasons.

2. Independent claims 17, 33, and 37

The Examiner also rejected claim 17 under 35 U.S.C. § 102(e). Claim 17 recites:

17. (Original) A method of synchronizing states of data between a plurality of devices, the method comprising:
 maintaining a truth database representing a true state of the data;
 maintaining an action database indicating actions to be performed on the devices during a next update;
 retrieving the data from the devices, including communicating with at least one of the devices over the wireless network;
 determining actual current states of individual elements of the data based on the action database and the data retrieved from the devices;
 updating the truth database and the action database based on a result of said determining; and
 updating the data on the devices, including communicating with at least one of the devices over a wireless telecommunications network.
(Emphasis added).

The Applicant, however, respectfully disagrees with the Examiner with respect to the rejection of claim 17 under 35 U.S.C. § 102(e), because not each and every element of claim 17 is found in Bodnar, even assuming *arguendo* Bodnar discloses or teaches a truth database and an action database (which it does not). See MPEP § 2131 (“To anticipate a claim, the reference must teach every element of the claim”). As opposed to claim 17’s method that determines actual current states of individual element of data based on the action database and the data retrieved from the devices, Bodnar does not make the same determination based on the action database. Rather, Bodnar makes the determination based on the GUD and data retrieved from the devices (from col. 43, line 28 through col. 46, line 57). For example, col. 43 lines 43-59 of Bodnar illustrate the Synchronizer’s three different methods of determining, for each record retrieved from a client (a sync point or device), whether the record is fresh with respect to the GUD:

If the client is of the type that provides a last-modified timestamp, then the Synchronizer positively determines that the record is fresh if the last-modified timestamp is later than the pre-fresh threshold. If the client does not provide last-modified timestamps, then the Synchronizer will:

- (1) determine that the client record is fresh (and is an added record), if the client record has no known corresponding GUD record (i.e., the client record's client ID does not appear in the mapping table); and
- (2) if otherwise, determine that the client record is fresh (and is an updated record) if the client record differs in value from its value at the end of the previous synchronization involving the client.

None of the three methods uses an action database (or any equivalent to action database) to determine the actual current states of the data. Similarly, Bodnar does not

teach or disclose using an action database to determine fresh changes in the GUD with respect to the devices (see col. 46, lines 26-57).

At least because of the above-illustrated reason, claim 17 and all claims that depend on it are patentable over Bodnar. Since independent claims 33 and 37 contain limitation similar to that discussed above regarding claim 17 and are, therefore, patentable for similar reasons.

Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicants' silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

Conclusion

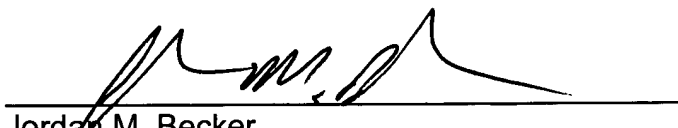
For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If any additional fee is required, please charge Deposit Account No. 02-2666.

Respectfully submitted,
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Date:

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